

**WAYS & MEANS, REAL ESTATE TRANSACTIONS AND
FINANCE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Ways & Means, Real Estate Transactions and Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **June 3rd, 2003.**

MEMBERS PRESENT:

Legislator George O. Guldi - Chairman

Legislator David Bishop

Legislator Michael J. Caracciolo

Legislator Ginny Fields

Legislator Martin W. Haley

MEMBERS ABSENT:

Legislator Andrew Crecca - Excused Absence

Legislator Vivian Vilorio Fisher - Excused Absence

ALSO IN ATTENDANCE:

Paul Sabatino, II - Counsel to the Legislature

Tom Donovan - Aide to Legislator Guldi

Eben Bronfman - Aide to Legislator Guldi

Carl Yellon - Aide to Legislator Crecca

Ray Zaccaro - Aide to Legislator Bishop

Meghan O'Reilly - Presiding Officer's Office

Ginny Suhr - Aide to Legislator Fisher

Alexandra B. Sullivan - Chief Deputy Clerk, Suffolk County Legislature

Christine Costigan - Director of Real Estate

Tom Isles - Director of Planning

Ken Knappe - County Executive's Office

Bill Faulk - County Executive's Office

Todd Johnson - County Executive's Office

Fred Pollert - Director, Budget Review Office

Lance Reinheimer - Budget Review Office

Keith Larsen - Architect, Department of Public Works

Tedd Godek - County Architect, Department of Public Works

Stephen W. Kretz, Esq. - Attorney for Jopal Enterprises

Barbara Sepia - Member, Jopal Enterprises

Ray Tobia - Surveyor for Jopal Enterprises

Debbie Felber - Assistant Director, Parents for Megan's Law

David Brandenburg - Artistic Director, Hamptons Shakespeare Festival

Debra A. Alloncius

All other interested parties

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MINUTES TAKEN BY:

Ana Grande- Court Stenographer

(THE MEETING CAME TO ORDER AT 10:15 A.M.)

CHAIRMAN GULDI:

Now that we have a stenographer, Legislator Bishop has requested an excused absence. Legislators Crecca and Fisher are at the Federal Court house with Judge { Spatt} . As a result, we now have a quorum of --

MR. YELLON:

Crecca is asking for an excused absence.

CHAIRMAN GULDI:

Crecca needs an excuse?

MR. YELLON:

Yes.

CHAIRMAN GULDI:

I thought he needed an excuse for a long time. So all three of them have excused absences. As a result, in entertaining resolutions, Counsel, since there are only four Legislators here of a seven member Committee, we will require all four voting together in order to take action on resolutions, is that not correct, other than tabling?

MR. SABATINO:

Correct, other than tabling. In order to discharge prime bills, you'll need a unanimous vote. Other actions you can get by with a majority vote.

CHAIRMAN GULDI:

Okay. The Pledge of Allegiance led by Legislator Caracciolo.

(SALUTATION)

CHAIRMAN GULDI:

Do we have anyone here for appointments to Committees or the like? What's the resolution number on that? 1163. Counsel, on 1163, has a corrected copy been filed?

MR. SABATINO:

Yes. May 27th.

CHAIRMAN GULDI:

And what's the essence of that correction, do you have it before you?

MR. SABATINO:

The individual being appointed changed. The original proposal had called for Cheryl Felice and I think because of events that took place in the intervening period of time with regard to an election, it resulted in a different individual being substituted. That individual is Debra Alloncius.

CHAIRMAN GULDI:

Debra, could you come down and tell us how to pronounce your last name?
Come to the microphone.

MS. ALLONCIUS:

Sure. Alloncius.

CHAIRMAN GULDI:

Alloncius. I'll make a motion to take 1163 out of order. Is there a second?

LEG. FIELDS:

I'll second it.

CHAIRMAN GULDI:

Second by Legislator Fields. Discussion? All those in favor? Opposed? It's now before us.

1163. Appointing member of Suffolk County Employees Suggestion Review Committee (Cheryl Felice). (Postal)

GULDI:

Does anyone have any questions for Ms. Alloncius on her appointment to this Board? She's a new appointee.

LEG. CARACCILOLO:

Which Board is this, George?

CHAIRMAN GULDI:

This is the Suffolk County Employees Suggestion Review Committee.

LEG. CARACCILOLO:

No objection. Motion to approve.

CHAIRMAN GULDI:

Motion to approve by Legislator Caracciolo, second by Legislator Fields. That was a motion to approve and place on the consent calendar?

LEG. CARACCILOLO:

Yes.

CHAIRMAN GULDI:

All those in favor? Opposed? Approved and placed on the consent calendar. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) APPROVED CONSENT CALENDAR**

CHAIRMAN GULDI:

That was easy. Thanks for coming. Now we'll go to the cards. The first card is Debbie Felber. She's here to speak on I.R. 1440.

MS. FELBER:

Hi. I guess I will give this to the Clerk.

CHAIRMAN GULDI:

Which I don't see 1440 on our agenda. What does that resolution pertain to?

MS. FELBER:

It's pertaining to a permit for Parents for Megan's Law using the Cathedral Pines in --

CHAIRMAN GULDI:

It's on page five of our agenda. Counsel, summarize the resolution, please.

MR. SABATINO:

This would allow the organization known as Parents for Megan's Law to use Cathedral Pines County Park on July 27th for a fee of a hundred and twenty-five dollars. The goal is to raise money, but presumably it's going into the Megan's Law Program, but that really wasn't specified in the resolution. It normally should be. When we do resolutions, we specify what the money is being raised for.

CHAIRMAN GULDI:

Is that the purpose of the money?

MS. FELBER:

Yes. The money is going to back to the organization.

CHAIRMAN GULDI:

Any questions by Legislators on this issue? Legislator Caracciolo?

LEG. CARACCIOLO:

Mr. Chairman, I would just request that as part of the authorization for this fund-raising event that the Parents for Megan's Law provide the County after the event with an accounting of the representation that was just made.

CHAIRMAN GULDI:

Would oral representation be satisfactory for your purposes or would you require --

LEG. CARACCIOLO:

No, something in writing.

CHAIRMAN GULDI:

Would you require the resolution to be amended?

LEG. CARACCIOLO:

No. The resolution is fine as long as the representative here today will assure the Committee and the Legislature --

MS. FELBER:

Sure.

LEG. CARACCIOLO:

-- That within thirty days of the event, you'll provide us with a written accounting of how much money was raised for this particular fund-raiser.

MS. FELBER:

That's fine. Yes, we can do that.

LEG. CARACCIOLO:

Thank you very much.

CHAIRMAN GULDI:

Any other questions on this resolution? Any other presentations you want to make?

MS. FELBER:

No. I just gave the Clerk a --

CHAIRMAN GULDI:

A brochure.

MS. FELBER:

A brochure which gives more information on the event itself. And, of course, if anyone would like to come, we'd love to have you there. It's a fund-raiser that we offer to the whole community and it's the second year we've done it, we had our first last year and it was a family-based event and we hope that this year will be more successful. As we do events, we hope that every year is better than the last.

LEG. CARACCILO:

Mr. Chairman?

CHAIRMAN GULDI:

I'm looking at the brochure, but, Mr. Caracciolo, go ahead.

LEG. CARACCILO:

Again, just for the record, the proceeds from this fund-raiser event will be used exclusively for furthering the aims, goals and objectives --

MS. FELBER:

Of the organization, absolutely.

LEG. CARACCILO:

Of the organization. And can you just recite what those goals and objectives are?

MS. FELBER:

Yes. Our goals and objectives are to educate and to prevent childhood sexual abuse. And also to obviously go into the communities and let them know, you know, how they can educate their children. And we also have mandated reporting, we have a hotline that we provide at our site. We also have counseling that is also provided for at our site at Stonybrook. So the goals and

objectives is to, you know, obviously protect the community and children from sexual predators.

CHAIRMAN GULDI:

Legislator Caracciolo, I note from the brochure that the brochure advertised the event is put up for Parents for Megan's Law and is using the not-for-profit frank, I think that that's sufficient at least as I'm concerned to indicate that this is a non-profit engaging in fund-raising activities subject to the regulations of the Attorney General.

So that if they fail to do what you are concerned about, that they would be subject to action by the AG, so I'm going to make a motion to take out of order the resolution, approve it and place it on the consent calendar, albeit I support your request that a writing be delivered and suggest that it be delivered before our meeting on Tuesday so that it's not removed from the consent calendar rather than discharged.

LEG. CARACCILOLO:

That's fine. Does Legislative Counsel concur with the Chair?

MR. SABATINO:

Well, it's a question of, you know, standards. When I draft the resolutions for Legislators, I write it in, so it's in writing. I mean if Legislators want to defer to oral representations, you're free to do that.

CHAIRMAN GULDI:

Have a second for my motion to take out of order, approve and place on the consent calendar?

LEG. FIELDS:

Second.

1140. Authorizing use of Cathedral Pines County Park by Parents for Megan's Law for their fund-raising event. (County Executive)

CHAIRMAN GULDI:

Any discussion on that?

LEG. CARACCILOLO:

Given Counsel's remarks, I'm going to abstain. We have one more cycle before this event will be held.

CHAIRMAN GULDI:

Why don't we discharge it without recommendation then.

LEG. CARACCILO:

I'm not comfortable doing that.

CHAIRMAN GULDI:

All right. So given -- why don't you make a motion to table then.

LEG. CARACCILO:

I'll make a motion to table and request that the resolution be amended as per the recommendation of Legislative Counsel to include in writing that the Legislature will receive a full accounting of this particular event.

CHAIRMAN GULDI:

Motion to table by Legislator Caracciolo, second by Legislator -- I'll second the motion to table. It keeps it alive.

LEG. CARACCILO:

Yes.

CHAIRMAN GULDI:

All those in favor? Opposed? 1440 is taken out of order and tabled.

(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED

CHAIRMAN GULDI:

Okay? Counsel, you can't make that amendment to the resolution, the County Exec. has to as the sponsor, so I anticipate that that won't be a problem.

The next card is David Brandenburg. This is on a license agreement for the use of Montauk County Park.

MR. BRANDENBURG:

It's 1470.

1470. Authorizing use of Theodore Roosevelt County Park by Hamptons Shakespeare Festival for Theater and Educational Programs. (Guldi)

CHAIRMAN GULDI:

1470. It's authorizing use of Theodore Roosevelt County Park for theater and education programs. I'm the sponsor.

MR. BRANDENBURG:

Would you like some background on it or I'm available to answer questions. We are not-for-profit cultural and educational organization, we're going into our eighth season of providing free outdoor theater and educational programs on the East End. Our main program is Shakespeare in the Park at Theodore Roosevelt County Park. And we have various educational programs, we have a new of note in school artist residency program which is already in three school districts on the East End and we're looking forward to it growing.

It's been quite successful despite, you know, recent economic events which have affected everyone, but we've gotten terrific critical praise not only from local papers, Newsday, but also major New York City papers such as the New York Post, New York Times. Audiences have given us very positive feedback and over the seven years so far we've attracted ten of thousands of people to Theodore Roosevelt County Park, we think creating tremendous good will for the County and for the Parks Department.

We have been requested or required by the Parks Department for the first time to get a resolution authorizing our fund-raising activities. It is a free performance, but we do collect donations from those who are able to give a donation. We have an opening night reception and we also sell T-shirts and snacks and soda and that type of thing. And I would be happy to -- this is also, this fund-raising is an integral part of how we're able to operate.

CHAIRMAN GULDI:

David, how many years have we been holding Shakespeare in the Park, seven years now?

MR. BRANDENBURG:

This is the eighth year.

CHAIRMAN GULDI:

Eighth year. How many -- what is your estimate of the total audience that's seen free performances of Shakespeare as a result of this program since it's inception?

MR. BRANDENBURG:

I believe it is twenty-five to thirty thousand people, not to mention educational programs and people who have -- even if they don't make it to the performance, our publicity reaches hundreds of thousands and I think that has some benefit also to the County.

CHAIRMAN GULDI:

This resolution has been prepared by Counsel, it authorizes the license for the use of the park, but it also has the restrictive language on any funds raised and using them solely for charitable purposes. Legislator Caracciolo has questions.

LEG. CARACCILOLO:

The number and attendance that you just referenced, that's over a period of how many days?

MR. BRANDENBURG:

That I just mentioned was in our history over seven years.

LEG. CARACCILOLO:

It's important given an event that some would like to see held in Calverton in the Town of Riverhead that we clarify the record that this is not one day or one occasion, this is over, I'm looking at the dates in your resolution, how many dates during a typical summer?

MR. BRANDENBURG:

This is over the course of five weeks, and at an average performance we probably get two hundred, two hundred and twenty-five people, maybe more on a good day.

LEG. CARACCILOLO:

Okay. Legislative Counsel, this does then not require a mass demonstration permit by the County, does it?

MR. SABATINO:

No, it doesn't reach critical mass.

LEG. CARACCILO:

Okay.

CHAIRMAN GULDI:

Shakespeare audiences tend to be a little less rowdy than rock concert audiences, at least for the most part, it depends on what you're doing from the --

MR. BRANDENBURG:

What is that critical mass, just so we know?

CHAIRMAN GULDI:

If you're ever expecting more than ten thousand, come back and talk to us on a single event. Okay?

MR. BRANDENBURG:

We'll call you.

CHAIRMAN GULDI:

Any other questions? Marty stepped out. Marty's here, he's just hiding behind Ginny.

LEG. HALEY:

I haven't moved.

CHAIRMAN GULDI:

Don't. I'm going to make a motion to take out of order, approve and place on the consent calendar.

LEG. CARACCILO:

Second.

CHAIRMAN GULDI:

Second by Legislator Caracciolo. Discussion? All those in favor? Opposed? It's approved and placed on the consent calendar for our regular meeting. Thank you very much. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) APPROVED CONSENT CALENDAR**

MR. BRANDENBURG:

Thank you very much.

CHAIRMAN GULDI:

Next card is Steven W. Kretz. Land acquisition for County for affordable senior housing. Is there a specific resolution this is in reference to, Mr. Kretz?

MR. KRETZ:

This is the last item on the agenda, Mr. Chairman. Bottom of the next to last page, carrying over to the top of the final page, Resolution Number 2 I think it's referred to as.

CHAIRMAN GULDI:

Home Rule Message Number 2. Asking New York State to authorize the County of Suffolk to convey certain parkland to Jopal Enterprises LLC in exchange for conveyance of certain lands to be dedicated as parklands. Mr. Kretz is here.

MR. KRETZ:

Yes, sir. I am the attorney for the proposed acquirer, purchaser, Jopal Enterprises. They currently own property immediately adjacent to and to the west of the subject premises owned by the County containing approximately eleven and a half acres for which they've been approved to build one hundred and sixty-four affordable senior citizen housing units by the Town of Babylon. They have received their DEC approvals and construction probably is, will be underway this year.

They are -- part of the proposal and the approved plan that's already been cleared includes the connection of this site to the public, Suffolk County public sewer system, the Southwest Sewer District for these units in Wyandanch. They have, they have entered into a co-partnership with the Economic Opportunity Council of Suffolk County in connection with their affordability status. They are also involved with Sustainable Long Island, an advocacy group that supported the

application.

At this point we are interested in acquiring this adjacent parcel owned by the County which is approximately one hundred feet wide by three hundred and fifteen feet deep containing the better part of two tax parcels. The parkland -- we've been working on this for a couple of years, having discussions with representatives of the County Legislature and the Suffolk County Parks Department. Mr. Isles is here today and he has reviewed, we have met with him and had discussions with him and he has made a visit to the site recently and produced a memo that we received on Friday. We have sent our surveyor out to inspect the site for the purposes of verifying Mr. Isles' concerns.

There are -- the point is I think, and I don't mean to speak for Mr. Isles, he'll do that I know for himself, but he certainly is part of the watchdog agency to make sure that the County property is appropriately protected. We certainly acknowledge that our wetland line has been flagged, the one hundred foot setback line has been established.

I have some handouts if the Committee is interested. There is a diagram in the package that contains Mr. Isles' memo from last week. Our response from Ms. Sepia, a Jopal Enterprises member, who is here with me today, together with the diagram on page three which shows what our surveyor discovered in the meantime since Friday, and that is a large area of disturbed or property that has been used for the dumping of a lot of debris and asphalt bricks, auto parts and so forth.

There are two yellow lines, highlighter, that have been drawn in there by me and they both show I think items of interest. One is, the one on the upper line, that would be to the north, which is the one hundred foot setback line from the wetlands line which you see above in the middle of the page. So that area clearly cannot be disturbed, it will be left as it is forever wild or we will certainly clean it up, remove the debris and then leave it wild according to DEC regulations, State DEC regulations.

The lower yellow line that I have inserted on this diagram is the item, the line which is approximately 150 feet from the street which is the line that Mr. Isles indicates is approximately the line where the area is undisturbed, and we agree with him, that to that point it is very undisturbed, it is practically barren, there is some small vegetation growing there.

The issue is with respect to the space in between, which is an area of approximately sixty-five feet, give or take, that we are still interested in acquiring. We would agree that we will not disturb undisturbed area and that would probably still be yet to be determined between Mr. Isles' office and our experts, but the hundred and fifty feet frankly does us very little if any good in terms of expanding our project and we probably couldn't go forward with it now.

In the meantime, we have also discussed the idea that this will be pursuant to appraisals that will have to be done that our client, my client would be paying for. It also, this whole transaction also involves the transfer of title to the County of property owned by my client, which is approximately three times the size of the area that we propose to acquire, which is undisturbed wetlands at the headwaters of the Carlls River system to the north of this site.

And, you know, the question of valuation from an environmental perspective, I think a lot of people would say it's priceless. From a market value perspective, it may be worth a little bit less than that. And that is part of our, the consideration that we would offer to the County in exchange for the acquisition of the property that we propose to acquire.

Again, we would hope to install, according to our original plan we had hoped to install as many as an additional sixteen units of affordable senior citizen housing on the land to be acquired. With this cut back as we suggest today, it would be something less than that, we have not had the opportunity to reanalyze the number of units and that would, of course, have something to do with the appraised value. But at a hundred and fifty feet, we can't do much with it and we may not be able to make a deal. Those are my comments, I'm sorry if I was long winded.

CHAIRMAN GULDI:

That's all right. Mr. Isles, I've had an opportunity to review your memorandum citing the fact that the transfer of the disturbed, if you will, vegetated area, it would be in exchange for wetlands makes sense, but their concern about the northernmost wetland area of this parcel not being an appropriate subject for exchange, is there a way that we can -- have you had an opportunity to observe both parcels in terms of their relative value, the proposed parcel the County would be exceeding, does it equal or exceed the value of what's proposed to be --

MR. ISLES:

From a dollars and sense standpoint?

CHAIRMAN GULDI:

From a dollars and cents or from a net environmental position.

MR. ISLES:

From a net environmental position, the latter part of it. There's no question that the land that is proposed to be transferred to Suffolk County is classified by New York State as wetlands, it has been mapped and flagged relatively recently, so that's confirmed. There's also no question that the parcel in question that we currently own, the County owns that Jopal is seeking to receive from us, is not classified as wetlands. We reviewed mapping that was done by New York State DEC.

I went out there a couple of weeks ago with one of my environmental planners and walked the site to have him identify the vegetation and so forth.

But the parcel that we own that's the subject of today's discussion I think is divided, as Mr. Kretz has said, into two categories, one being a level part of the site adjacent to the road extending back about a hundred and fifty feet that in years past was used very extensively for I think a highway yard for dumping of materials and so forth. It has been cleaned up, but at the present time it's a level site with sparse vegetation on it. That extends back about a hundred and fifty feet.

The rest of the site is generally treed and has brush and so forth growing on it. It is at a lower grade, doesn't appear to be filled, although there are signs of disturbance in various parts of it. So essentially what the site visit revealed to us is that the first hundred feet was heavily impacted at some point in the past and may be a candidate for this as an exchange in terms of exchanging something that would give us more pristine wetlands.

In terms of the valuation question you've raised, we have not done any appraisals or estimate of value at this time.

CHAIRMAN GULDI:

Do you have a rough sense of that?

MR. ISLES:

The sense would be that is that the wetlands might have some residual value since they can't be developed on, I don't think they have a lot of value. The site that we would transfer I think if it

does have the right to be developed in the Town of Babylon, which appears that it does, in that it's not wetlands, it would have value to it certainly.

CHAIRMAN GULDI:

Well, given the standing water that's illustrated on the target parcel in the handout, do you have a copy of the hand out that was just given to the Legislature?

MR. ISLES:

Mr. Kretz did show it to me earlier.

CHAIRMAN GULDI:

Given the standing water, is it possible for us to essentially have our cake and eat it too, could we receive the target wetlands and yet transfer this parcel with perhaps restrictions and covenants on the areas adjacent to the standing water to effectively put it on the tax roles, have them preserve and protect it, maintain it, and still get the benefit of receiving the land?

MR. ISLES:

Well, that would be your decision as a Legislature to make.

CHAIRMAN GULDI:

My question is could we?

MR. ISLES:

Could you?

CHAIRMAN GULDI:

Could we?

MR. ISLES:

I believe the answer is yes, if the State Legislature approves the transfer and, I think once that happens, it triggers Chapter 102 of the County Charter, which is land exchanges, where there would have to be evaluation adjustments --

CHAIRMAN GULDI:

All right. But if we approve this Home Rule Message today, when this resolution comes back to us with appraisals and with this kind of detail?

MR. ISLES:

The actual land exchange would have to be approved by you at a later date if the State Legislature acts on the transfer.

CHAIRMAN GULDI:

Mr. Kretz, if I could, Legislator Fields has asked to be recognized next and then Legislator Caracciolo, the question I pose to you that I'd like a succinct answer to is if we approve the exchange with covenants and restrictions to preserve and protect the undisturbed, in quotes, portion of the land, would that work for the purposes of this exchange from the other side's perspective?

MR. KRETZ:

Yes, it would, sir.

CHAIRMAN GULDI:

Okay. Legislator Fields is next.

LEG. FIELDS:

I'm just wondering whether or not it's customary to not know the value of the properties before you pass the Home Rule Message. Because what if we find out that it is not of equal value and we're giving away let's say something that's valued at more and getting back something that's valued at less and it's passed in the State Legislature, then what?

MR. ISLES:

Well, then there would have to be a, you know, the State has their own requirements and they have a requirement that there has to be an alienation of parkland, there has to be substitute parkland provided that's of equal or greater value than that exchanged or dollar value going into the park system in some manner that's a park improvement and so forth.

For the County's side of it, my reading of Chapter 102, which regulates land exchanges, which when the County is going to swap land with someone else, such as being proposed here, there have to be appraisals done at that point of the two parcels and any difference in value that's due to the County in terms of the exchange of lands would then have to be made up in dollar value so the County is not giving away land at value at that point.

LEG. FIELDS:

But I guess my question is should the appraisals not be completed first before you go to know what the value is?

CHAIRMAN GULDI:

Well, the question is do you want to incur the expense of the appraisals before you know whether -- before the transaction is even conceptually viable. If the concept is repugnant because of something about this parcel, it's location or something about the proposed parcel we'd be receiving, then why do the appraisals? I think that what they're asking for is not a decision, we're not deciding whether or not to do this land swap today, we're deciding whether or not to ask the State if we could go forward to consider the land swap. Is that not accurate, Counsel?

MR. SABATINO:

Yes. The critical component of the Home Rule Message is to get the authority to the County to do the parkland transfer, and as Commissioner Isles stated, they do have a specific clause which

says there has to be a trade of at least equivalent if not greater value from the land being given to the County. So at the next stage, if there is a next stage if the State actually passes the empowering legislation, you would make that decision at that juncture only on the basis of having appraisals for each of the properties.

LEG. FIELDS:

Thank you.

CHAIRMAN GULDI:

Legislator Fields, are you done?

LEG. FIELDS:

Yes.

CHAIRMAN GULDI:

Legislator Caracciolo.

LEG. CARACCIOLO:

I'll reserve my comments at the time we consider the resolution.

CHAIRMAN GULDI:

You don't have any questions?

LEG. CARACCIOLO:

No.

CHAIRMAN GULDI:

Okay. There being no further questions, we'll take this one up in the course of our regular agenda.

MR. KRETZ:

Thank you very much.

CHAIRMAN GULDI:

Which will be later in the meeting. Which will be at the end of the meeting, obviously, it's at the end of the agenda. The last card is Roy Tobia.

MR. KRETZ:

Mr. Chairman, he's with us and we covered the area already.

CHAIRMAN GULDI:

Okay. Thank you. Let's go to the agenda.

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TABLED RESOLUTIONS

1021. Adopting Local Law No -2003, a Charter Law to restore and ensure honesty

**and integrity to Suffolk County land transactions.
(Caracciolo)**

CHAIRMAN GULDI:

Tabled resolutions. 1021. Legislator Caracciolo?

LEG. CARACCIOLO:

Mr. Chairman, I would once again remind you that you and I had discussed this resolution months ago and you had assured me at that time that you wanted to work in a collaborative manner to maybe modify this resolution. I would once again like to encourage you to do that soon, because this will be coming up for expiration under our six month rule. I will be filing my own amendments to this resolution, so your input would be very timely.

CHAIRMAN GULDI:

Do you still have the written notes I gave you on the earlier draft?

LEG. CARACCIOLO:

I do.

CHAIRMAN GULDI:

We'll have to go over that.

LEG. CARACCIOLO:

I think in light of some more recent developments, this matter really has to be continually looked at and modified to insure that there is integrity in our land acquisition program.

CHAIRMAN GULDI:

I certainly concur with the sentiment, but that will be in the details. Motion to table by Legislator Caracciolo, second by myself. All those in favor? Opposed? Tabled. **(VOTE: 4-0-0-3)**
(ABSENT: BISHOP, CRECCA, FISHER) TABLED

**1041. Adopting Local Law No -2003, a Charter Law to establish 19th Suffolk County
Legislative District. (Fisher)**

CHAIRMAN GULDI:

1041.

LEG. HALEY:

Table.

CHAIRMAN GULDI:

Counsel, it's too late to put this on the ballot for this year now, is that not correct?

LEG. HALEY:

Subject to call.

MR. SABATINO:

It's not too late yet, but you're getting close to that point.

LEG. HALEY:

Table subject to call.

CHAIRMAN GULDI:

Motion to table subject to call by Legislator Haley, second by myself. Discussion? All those in favor? Opposed? Tabled subject to call.

(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED SUBJECT TO CALL

1078. Adopting Local Law No -2003, a Charter Law to establish a fully independent County Department of Real Estate. (Binder)

CHAIRMAN GULDI:

1078. Legislator Binder's resolution.

LEG. FIELDS:

Motion to table.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Motion to table by Legislator Fields, second by Legislator Haley. All those in favor? Opposed? Tabled. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED**

1094. Adopting Local Law No -2003, a Charter Law in connection with reduction of number of County Legislature Districts to eleven. (Caracciolo, Tonna)

CHAIRMAN GULDI:

1094. Legislator Caracciolo?

LEG. CARACCIOLO:

Well, it seems we're down to seventeen, so we're moving in the right direction. Motion to table.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Motion to table, second by Legislator Haley. All those in favor? Opposed? Tabled.

(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED

1095. Adopting Local Law No -2003, a Charter Law in connection with reduction of number of County Legislative Districts. (Alden, Haley, Towle, Binder)

CHAIRMAN GULDI:

1095. Alden, Haley and Towle. Legislator Haley?

LEG. HALEY:

Motion to table.

CHAIRMAN GULDI:

Motion to table, second by myself. Discussion? All those in favor? Opposed? Tabled. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED**

1113. Requiring exit interviews for all County employees. (Postal)

CHAIRMAN GULDI:

1113. The Presiding Officer, who is the sponsor, has asked for this to be tabled. Motion to table by myself.

LEG. HALEY:

Second.

LEG. CARACCIOLO:

Just before you table, if Counsel can just refresh my memory, I know there's been a corrected copy or at least talk of a corrected copy. What would the change be?

MR. SABATINO:

No corrected copy has been filed yet. I'm not sure what the changes would be, I'm not familiar with what the request of changes are.

LEG. CARACCIOLO:

I see a pattern here by some of my colleagues in the minority party of sponsoring what sounds like real good legislation, but then not having the ability to follow through and actually get these bills to the floor and then by the time they do get to the floor, they're watered down so they don't even take effect until next year. I mean let's get real around here.

CHAIRMAN GULDI:

On the motion to table?

AUDIENCE MEMBER:

Did you want me to speak on the exit interview program? We do have one in existence.

CHAIRMAN GULDI:

Actually, the sponsor hasn't asked to move the bill, has asked to table it. Why don't you get in touch with the sponsor, Christine. Motion to table. All those in favor? Opposed? Tabled.

(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED

1148. To authorize and empower performance-based audit of all County Departments, Offices and Agencies. (Bishop)

CHAIRMAN GULDI:

1148. Legislator Bishop.

LEG. HALEY:

Table.

LEG. CARACCILO:

This is another example of what I just made reference to. This one, Legislative Counsel, if you can just clarify. This, one of the changes I believe was to push out the date that it would become effective from this year to next year.

MR. SABATINO:

Yes. This legislation has gone through a corrected copy to try to address some concerns that were raised. The most recent corrected copy pushed back the period to be covered from calendar year 2003 to 2004, simply because time was running. The web site was pushed back from January 1st of 2004 to July 1st of 2005. And the management performance statements and scope of the audit was further modified based on comments that came out of the Committee process.

LEG. CARACCILO:

It would just seem to me if there was a priority to actually perform performance based audits of County departments, the sooner we do that, the better.

CHAIRMAN GULDI:

Okay. Is there a motion?

LEG. HALEY:

Table.

LEG. CARACCILO:

Motion to approve.

CHAIRMAN GULDI:

Motion to approve by Legislator Caracciolo.

LEG. HALEY:

Table.

CHAIRMAN GULDI:

Motion to table by Legislator Haley. I'll second the motion to table. All those in favor?

Opposed? 1148 is tabled. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED**

1158. Adopting Local Law No -2003, a Charter Law to reduce number of County Legislative Districts to eleven. (Caracciolo)

CHAIRMAN GULDI:

1158.

LEG. CARACCIOLO:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Caracciolo.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Second by Legislator Haley. Tabled. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED**

CHAIRMAN GULDI:

1163 is already approved and on the consent calendar.

1210. Adopting Local Law No -2003, to amend living wage law for transition to full implementation. (Bishop)

CHAIRMAN GULDI:

1210. Counsel, explanation. When did we table this?

LEG. CARACCIOLO:

This has also been changed.

MR. SABATINO:

It was tabled the first several times because the public hearing had been recessed, but now the public hearing was finally closed at the last meeting, so this is the first time it would be eligible on the merits.

CHAIRMAN GULDI:

Are there motions?

LEG. CARACCIOLO:

Motion to approve.

CHAIRMAN GULDI:

Motion to approve by Legislator Caracciolo, second by myself. Discussion? All those in favor? Opposed? Approved. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) APPROVED**

1224. Enforcing reverter clause for 72-h real estate transfers. (Postal)

CHAIRMAN GULDI:

1224. I have a note from the Presiding Officer. She'd like to table this one more cycle.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Second by Legislator Haley. All those in favor? Opposed? Tabled.

(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED

1226. Adopting Local Law No -2003, a Charter Law to reform Early Retirement Incentive Program process to ensure real cost savings. (Fields)

CHAIRMAN GULDI:

1226. Legislator Fields?

LEG. FIELDS:

Motion to table.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Second by Legislator Haley. All in favor? Opposed? Tabled.

(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED

1231. To implement Space Management Reform. (Fields)

CHAIRMAN GULDI:

1231. Legislator Fields?

LEG. FIELDS:

Motion to table.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Legislator Fields, use the microphone.

LEG. FIELDS:

We are working on some changes in this and we have a meeting scheduled, so motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Fields, second by Legislator Haley. All those in favor? Opposed?
Tabled. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED**

1247. Adopting Local Law No -2003, a Charter Law amending the Suffolk County Charter with respect to the reapportionment of Suffolk County Legislative Districts (Plan I). (Crecca)

1248. Adopting Local Law No -2003, a Charter Law amending the Suffolk County Charter with respect to the reapportionment of Suffolk County Legislative Districts (Plan II). (Tonna)

1249. Adopting Local Law No -2003, a Charter Law amending the Suffolk County Charter with respect to the reapportionment of Suffolk County Legislative Districts (Plan III). (Fisher)

1354. Adopting Local Law No -2003, a Charter Law amending the Suffolk County Charter with respect to the reapportionment of Suffolk County Legislative Districts (Plan V). (Fisher)

CHAIRMAN GULDI:

Adopting Local Law No. 2003 charter law amending Suffolk County Charter with respect to reapportionment. My colleagues, I'd like to suggest that given the fact that the Court proceeding is continuing and that, in fact, I had mistakenly thought we already did this, that we discharge without recommendation all of these to the floor so that they can be -- so that in the event that a Court decision requires action, that we don't have to convene a special meeting.

LEG. CARACCIOLO:

Second.

CHAIRMAN GULDI:

So I'll make a motion to discharge without recommendation 1247, 1248, 1249, 1354. And that's the four of them, the other one is already out, is that right, Counsel?

MR. SABATINO:

The fifth one was adopted.

CHAIRMAN GULDI:

So a motion to discharge without recommendation by myself, second by Legislator Caracciolo. Discussion? All those in favor? Opposed? 1247, 1248, 1249 and 1354 are discharged without recommendation.

(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) DISCHARGED WITHOUT RECOMMENDATION

2146. To establish limitation on contract agency/academic institution indirect costs. (Alden)

CHAIRMAN GULDI:

2146. Motions? I'll make a motion to table.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Second by Legislator Haley. Discussion? All those in favor? Opposed? Tabled. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED**

2233. Adopting Local Law No -2002, a Charter Law to change the County Tax Stabilization Reserve Fund Policy. (Haley)

CHAIRMAN GULDI:

2233. Legislator Haley?

LEG. HALEY:

Mr. Chairman, I'd like to table one more time, and make this on the record, this is my third request from Budget Office to provide some feedback.

CHAIRMAN GULDI:

Second by myself. All those in favor? Opposed? Tabled.

(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED

2312. Authorizing waiver of interest and penalties for property tax for Nick Poulos (SCTM No. 0200-686.00-04.00-019.000, 019.001; 0200-686.00-04.00-019.002; 0200-686.00-04.00-020.000 and 0200-723.00-02.00-029.000). (Towle)

CHAIRMAN GULDI:

2312. I'll make a motion to table. Second?

LEG. FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. Discussion? All those in favor? Opposed? Tabled. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED**

INTRODUCTORY RESOLUTIONS

REAL ESTATE

1420. Authorizing the sale of County-owned real estate pursuant to Section 215, New York State County Law to Eileen Kelly. (Carpenter)

CHAIRMAN GULDI:

Moving right along. 1420. Introductory Resolutions.

MS. COSTIGAN:

Eileen Kelly is the prior owner. The outstanding amount is fifty-six thousand plus dollars. She has not paid that to date, but she has, and we have verified that she has a mortgage commitment for that amount, so it will be paid at the closing and title will be restored.

LEG. CARACCILO:

This individual is not a former County employee?

MS. COSTIGAN:

No. Not to our knowledge, no.

LEG. CARACCILO:

Okay.

LEG. HALEY:

Motion.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar?

LEG. HALEY:

Yes.

CHAIRMAN GULDI:

By Legislator Haley. Second by myself. All those in favor? Opposed? Approved and placed on the consent calendar. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) APPROVED CONSENT CALENDAR**

1452. Sale of County owned real estate pursuant to Section 72-h of the General Municipal Law, Incorporated Village of Head of Harbor (0801-005.00-02.00-034.019). (County Executive

CHAIRMAN GULDI:

1452.

MS. COSTIGAN:

The use of this proposed transfer is for road purposes.

LEG. CARACCILO:

Motion.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Caracciolo, second by myself.

MR. SABATINO:

On this one, the reverter clause has no deadline. I know that has been an issue recently with Legislators.

LEG. CARACCILO:

I withdraw my motion.

MS. COSTIGAN:

I would point out it's already a road, so there's nothing that has to be done.

CHAIRMAN GULDI:

So we don't have to worry about them building the road, it's already there without benefit of ownership.

LEG. CARACCILO:

How did that happen?

MS. COSTIGAN:

It's, I think --

CHAIRMAN GULDI:

They use bulldozers and asphalt.

MS. COSTIGAN:

To my eye, it was an existing road and a development happened around it, but the road never got dedicated apparently.

LEG. CARACCIOLO:

So this is just formalizing what has already taken place.

MS. COSTIGAN:

That is definitely what the map reveals.

LEG. CARACCIOLO:

Okay. Counsel, do you have any problem with this?

MR. SABATINO:

Legislators have raised a concern about governmental purpose, I'm just bringing it to your attention. You want to know when the clause is there and when it's not. This has no deadline. I don't know anything about the status of the road, it may be a private road. Head of the Harbor is a very exclusive community, it's probably a private road. The fact that it got to this status may be of a concern to you, I'm not telling you which way to go, I'm just informing you --

LEG. CARACCIOLO:

I withdraw my motion.

MR. SABATINO:

Based on your concerns.

CHAIRMAN GULDI:

Based on looking at the map that's in the backup, it's a cul-de-sac that serves apparently one, two, three, four, five, arguably six lots, although one looks like it has a separate driveway parallel to the road. But we acquired the parcel that the road lies in on the basis of non-payment of taxes, is that correct, Ms. Costigan?

MS. COSTIGAN:

I think it's in the resolution that that is the fact. Let me see it in here. I believe that's the fact.

CHAIRMAN GULDI:

And while we continue to own the road, we, the County, advanced the school district and the village and the town their allocable share of the taxes?

MS. COSTIGAN:

That's correct. Our investment is a hundred and thirty-five dollars, I think.

CHAIRMAN GULDI:

And while we continue to own the road, we continue to be exposed to the liability claims for any accidents, injuries, maintenance, conditions or the like that occur on the road?

MS. COSTIGAN:

That's correct. That's why we're promoting this application.

CHAIRMAN GULDI:

And in the event that we do the 72-h, none of those problems, all of those problems cease to exist?

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

I'm going to make a motion to approve and place on the consent calendar on that basis.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Second by Legislator Haley. Further discussion? All those in favor? Opposed?

LEG. CARACCIOLO:

Abstain.

CHAIRMAN GULDI:

It fails. I'll make a motion to table.

LEG. FIELDS:

I'll second the motion.

CHAIRMAN GULDI:

Before announcing that it fails. Second by Legislator Fields. All those in favor? Opposed? Abstentions? Tabled.

(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED

1453. Authorizing the sale of County owned real estate pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for affordable housing purposes. (County Executive)

CHAIRMAN GULDI:

1453. Counsel, does this one have a reverter clause?

MS. COSTIGAN:

In this instance, Mr. Chairman, the reverter clause is condition of the deed automatically by statute.

MR. SABATINO:

Yes. This is under the Affordable Housing Program, so it's covered by Chapter 36.

LEG. HALEY:

Motion.

LEG. CARACCIOLO:

What does that Chapter say?

CHAIRMAN GULDI:

Legislator Caracciolo has a question, he wants to know what the Chapter, what that provision of law states.

MR. SABATINO:

My recollection is it's three years they have to get to the affordable housing program.

LEG. CARACCIOLO:

Is that correct?

MS. COSTIGAN:

That has to be included in the actual wording of the deed.

LEG. CARACCIOLO:

That is three years, Christine?

MS. COSTIGAN:

That's my recollection as well, although I don't have it in front of me.

CHAIRMAN GULDI:

Did I have a motion?

LEG. FIELDS:

Yes.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar?

LEG. FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed? Approved and on the consent calendar. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) APPROVED CONSENT CALENDAR**

1454. Authorizing the sale of County owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Islip Community Development Agency for affordable housing purposes. (County Executive)

CHAIRMAN GULDI:

1454. This has the same provision of law, I'm sure.

MS. COSTIGAN:

Yes. And I note it is in the resolution for the prior one and for this as well, and it is three years.

LEG. HALEY:

Motion.

CHAIRMAN GULDI:

Same motion, same second, same vote.

**(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) APPROVED CONSENT
CALENDAR**

**1455. Sale of County owned real estate pursuant to 72-h of the General Municipal
Law (Town of Brookhaven). (County Executive)**

CHAIRMAN GULDI:

1455. This is non-housing purposes?

MR. SABATINO:

This one says drainage, affordable housing and municipal purposes. That's in the town resolution, but the County resolution says drainage purposes. Again, there's no deadline in the reverter clause.

LEG. CARACCIOLO:

Mr. Chairman, I'm looking at the second resolve clause. As Counsel just indicated, the Town of Brookhaven would be restricted in the use of subject parcels and would be -- and will use said parcels solely and exclusively for drainage purposes. And then it goes on to say that it would revert back to the County, but doesn't set forth a time limit, and I will not support the resolution accordingly.

CHAIRMAN GULDI:

Motion to table by myself, second by Legislator Haley. Discussion? All those in favor?
Opposed? 1455 is tabled.

(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED

**1468. Authorizing conveyance of parcel to Town of Babylon, for transfer to Hamlet
Restoration Corp. Inc. (Section 72-h, General Municipal Law). (Postal)**

CHAIRMAN GULDI:

1468.

LEG. CARACCIOLO:

This has a reverter clause.

CHAIRMAN GULDI:

Michael { Sipeo} , is Mr. { Sipeo} here?

LEG. CARACCIOLO:

This has a reverter clause.

CHAIRMAN GULDI:

Any questions on this resolution by Legislators?

LEG. CARACCIOLO:

Just confirm that with Counsel.

CHAIRMAN GULDI:

Counsel?

MS. COSTIGAN:

It does.

LEG. CARACCIOLO:

It does, right? Second resolve clause.

MS. COSTIGAN:

It's in the second resolve clause.

CHAIRMAN GULDI:

1468.

MR. SABATINO:

1468, the problem is we're waiting for the Town resolution, I don't know if it actually came in or not.

CHAIRMAN GULDI:

Can we skip over that and check?

MR. SABATINO:

My records show we had filed it in anticipation of a Town resolution, but unless the Clerk's Office got it, which I don't think is the case, because we normally get the copies.

CHAIRMAN GULDI:

Check. Let's skip over it while we check to see if that resolution is here.

MS. COSTIGAN:

We didn't get a copy of it either.

CHAIRMAN GULDI:

Motion to table by Legislator Caracciolo, second by myself. We can always reconsider it in the event it turns up. All those in favor? Opposed? 1468 is tabled.

(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) TABLED

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FINANCE

1444. Amending the 2003 Operating Budget and reappropriating unexpended, uncommitted 2002 funds in Fund 176 to the 2003 Operating Budget. (County Executive)

CHAIRMAN GULDI:

On the next page to Finance Resolutions. 1444. It's a County Executive's resolution. Come on down, folks. This looks a little like an audit clean up resolution to me.

MR. KNAPPE:

Not necessarily.

CHAIRMAN GULDI:

What is this one?

MR. KNAPPE:

Fund 176 is part of the dedicated fund that expired with the quarter cent sales tax on November 30th of 2000. In the 2002 Operating Budget it was adopted that the funds would lapse hoping that all the expenditures would be expended and the fund balance at the end of the year would be zero. Unfortunately, not all of the expenditures were made, for whatever reasons, going into the buildings, etcetera.

There's still, there's about sixty-nine thousand out of the whole pool of money that's been in 176 that still needs to be expended. We are just requesting it to be appropriated in the Operating Budget in Fund 176, so once again this year hopefully all the expenditures will be made and we can collapse that fund.

LEG. HALEY:

Motion.

CHAIRMAN GULDI:

I've got a motion by Legislator Haley. Discussion? Is there a second?

Right now we have a little confusion here, let Counsel catch up.

LEG. FIELDS:

Can I ask a question? We're looking at 1412, but I don't see anything about --

MR. KNAPPE:

1412? I'm sorry, 1412 was passed at the last meeting. I'm speaking on the next item on the agenda, 1444.

LEG. FIELDS:

That's why I was confused.

MR. SABATINO:

That's why I was confused, because my agenda shows 1412 and that was the one I thought that was done by CN.

MR. Knappe:

Mine also does and I crossed it out. I was speaking on 1444.

MR. SABATINO:

Now I realize what was happening, it was my confusion.

LEG. CARACCIOLO:

The Chairman has his own hidden agenda. We all had 1444 as the first in Finance.

CHAIRMAN GULDI:

I wish it was my agenda. It seems like -- never mind.

LEG. FIELDS:

Can you just repeat? I was trying to follow along, just repeat what you said.

MR. Knappe:

Certainly. It may not be exactly the same, but let's see if I can do it again. Fund 176 -- well, the revenue going into Fund 176 expired on November 30th, 2000, and the creation of Fund 477 commenced on December 1st, 2000. In the budget following the expiration of that quarter percent into Fund 176 as well as Fund 475 in the budget, we have been expending down the monies that have been in that fund.

It was projected and estimated in 2002 that the fund would be completely expired, all the funds have been expended. However, with the auditors doing their year end actuals, there still remains sixty-nine thousand and change left in Fund 176 to be expended.

We are just simply asking for this money to be appropriated in the Budget, the expenditures be made in accordance with the laws that 176 has always been established under and in 2003 the fund should indeed be collapsed at the end of the year.

LEG. HALEY:

I like the first version better.

LEG. FIELDS:

Where does the money go now?

LEG. CARACCIOLO:

The resolution says it goes to building repairs, laundry and sanitation.

CHAIRMAN GULDI:

Right.

MR. KNAPPE:

Correct. It's in the same accordance as the funds in 176 has always been expended, it's just a small amount of money. Most of it I think is interest and earnings that has come up throughout the year that has to be reappropriated within that dedicated fund.

LEG. FIELDS:

Okay. Thank you.

LEG. HALEY:

Motion.

LEG. CARACCILO:

Lance, do you concur with the representation?

MR. REINHEIMER:

Based on reading the resolution, yes, I do?

CHAIRMAN GULDI:

Okay. We have -- Legislator Haley has a motion to approve and place on the consent calendar.

LEG. HALEY:

Yes.

CHAIRMAN GULDI:

Second by? Myself. All those in favor? Opposed? 1444 is approved and placed on the consent calendar. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) APPROVED CONSENT CALENDAR**

1450. Apportioning Mortgage Tax by: County Treasurer. (County Executive)

CHAIRMAN GULDI:

1450. ProForma administerial act.

LEG. CARACCILO:

Motion.

LEG. HALEY:

Same motion.

CHAIRMAN GULDI:

Same motion, same second. Motion to approve and place on the consent calendar.

(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) APPROVED CONSENT CALENDAR

1457. To readjust, compromise and grant refunds and charge-backs on real property corrections of errors by: County Legislature Control # 703-2003. (County Executive)

CHAIRMAN GULDI:

1457. These are charge-backs for assessment errors?

MR. SABATINO:

These are errors in transcription and a case where the improvement uses the basis for the tax actually didn't exist.

CHAIRMAN GULDI:

Okay. Any questions on the resolution?

LEG. HALEY:

Motion, consent calendar.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Haley, second by myself. Discussion, 1457? All those in favor? Opposed? Approved and on the consent calendar. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) APPROVED CONSENT CALENDAR**

1458. To readjust, compromise and grant refunds and charge-backs on corrections of errors/County Treasurer By: County Legislature Control #171. (County Executive)

CHAIRMAN GULDI:

1458.

LEG. HALEY:

Same motion.

CHAIRMAN GULDI:

Same motion, same second, same vote. **(VOTE: 4-0-0-3) (ABSENT: BISHOP, CRECCA, FISHER) APPROVED CONSENT CALENDAR**

OTHER

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1409. Establishing binding arbitration policy for Suffolk County Policemen's Benevolent Association (PBA) contract. (Towle)

CHAIRMAN GULDI:

1409. I'll make a motion to approve. Discussion?

LEG. CARACCIOLO:

Explanation.

CHAIRMAN GULDI:

Counsel?

(LEGISLATOR BISHOP ENTERED THE MEETING AT 11:06 A.M.)

MR. SABATINO:

Under the existing provisions of the Taylor Law, binding arbitration is limited to a two-year period of time. The parties, however, which would be the County of Suffolk and the PBA could consent to an extension of that period of time. However, the only way you can do that consent on behalf of the County of Suffolk is to adopt the resolution.

That was done for the first time through resolution three years ago in the year 2000. The prior two times it was done improperly, which was there was no resolution binding the County, the parties simply entered into four-year binding arbitration agreements for eight consecutive years.

The difference between this proposal and the initiative that took place in the year 2000 is that the one in the year 2000 took place after the contract had expired. This is unprecedented from the standpoint that the request is being made well in advance, nearly six months in advance of the expiration of the actual agreement, so you would be, you would be doing something with regard to binding arbitration before the actual agreement itself expired.

But in the event that you did do it, it would basically provide for the binding arbitration agreement to run from January of 2004 through the end of December of 2007 as opposed to either negotiating or going to binding arbitration under existing State law, which would be two years. So those are the options in front of you.

LEG. CARACCIOLO:

Lance, Budget Review Office, I don't know if you are familiar with the last time the County negotiated or commenced negotiations with the PBA, but it's my understanding that, and perhaps the Budget Office could comment, that there was an offer by the PBA that would have been substantially less than the ultimate arbitration award and that was rejected by the administration. Do you have any recollection to that? I know Fred does.

MR. REINHEIMER:

Yeah, I was not involved in that discussion.

MR. KNAPPE:

Fortunately or unfortunately, since I'm not a part of management, I am part of AME, I'm not privy to any type of information as far as what type of deals were offered in contract negotiations one way or the other. So, I wouldn't have any information.

LEG. CARACCIOLO:

Who could provide us with an answer to that?

MR. KNAPPE:

As Lance said, Fred Pollert is probably aware of that.

LEG. CARACCIOLO:

Is Fred on vacation, is Fred available?

MR. REINHEIMER:

Fred's here.

LEG. CARACCIOLO:

He's here?

MR. REINHEIMER:

Yes.

LEG. CARACCIOLO:

Could we ask him to come in?

LEG. FIELDS:

Why don't we pass this by.

CHAIRMAN GULDI:

While we're waiting for that, we'll continue with the agenda.

1410. Authorizing use of Suffolk County Smith Point Park for Bay Area Civic Association Carnival/Concert show. (Towle)

CHAIRMAN GULDI:

1410. This is an actual event with --

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Fields.

LEG. CARACCILO:

Second.

CHAIRMAN GULDI:

Discussion on the motion? I'm going to oppose the motion to table. I think --

MR. SABATINO:

Just for a practical standpoint, the proposal was for May 29th --

CHAIRMAN GULDI:

It's moot.

MR. SABATINO:

-- to June 8th. Well, I think it would require some kind of adjustment as to the carnival. Quite frankly, technically you wouldn't be able to approve it today and accomplish the goal, because we're halfway through that period.

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:

Motion to table.

LEG. CARACCILO:

Second.

CHAIRMAN GULDI:

By Legislator Fields, second by Legislator Caracciolo. All those in favor? I'm opposed. Tabled.
(VOTE: 4-1-0-2) (OPPOSED: GULDI) (ABSENT: CRECCA, FISHER) TABLED

**1417. Authorizing certain technical corrections to Adopted Resolution No. 188-2003.
(Presiding Officer)**

CHAIRMAN GULDI:

1417. This is just corrections of organization names.

LEG. FIELDS:

Motion to approve.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Actually it's changing. It's the same organizations, it's different account numbers.

MR. SABATINO:

It's reallocating breast cancer money within the Office of Women. It's putting in the correct department. The programs are staying the same, but they were allocated apparently within the wrong division or unit.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by myself, second by Legislator Caracciolo. Discussion? All those in favor? Opposed? Approved and on the consent calendar.

(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER) APPROVED CONSENT CALENDAR

CHAIRMAN GULDI:

Legislator Caracciolo, Mr. Pollert has joined us. Do you want to go back and continue the discussion on 1409?

LEG. CARACCIOLO:

Has Lance informed you as to my inquiry?

MR. POLLERT:

Yes, he has. I was also listening in. It's my recollection that what the arbitrator finally settled on what was close to if not identical to what was originally proposed by the County Executive, so that the arbitrator mirrored what was granted to the other units.

LEG. CARACCIOLO:

Okay. My understanding, however, was that the PBA had proposed a settlement that initially, before it went to arbitration, resulted in arbitration, would have been or could have been more cost effective for the County, but the administration turned that offer down.

MR. POLLERT:

The representations before the arbitration panel was that the County was not bargaining in good faith, that the County and Dave Greene kept insisting on a zero percent and would not negotiate with the PBA. They did represent that they had made concessions in some areas, but the County was not responding to their offers.

LEG. CARACCIOLO:

I know your office prepared a lot of information for the arbitrator's consideration. Could you just quickly summarize how that information was received and what comments you may have subsequently learned when the arbitrator issued his decision as to what value he placed on the County's position?

MR. POLLERT:

The Budget Review Office prepared extensive presentations to the arbitrator indicating that, that based upon the number of individuals that responded to the Civil Service exam, it was apparent that the police were being well remunerated. In terms of risk, since they had a lower workmen's compensation case load than DPW workers and the healthcare workers, they were being adequately compensated. Based upon the years of education, they were being adequately compensated, receiving a higher level of compensation than the doctors and attorneys per year of education required. And with respect to the use of deadly force, they were being well compensated with respect to the Deputy Sheriff and Park Rangers.

We thought that we had made a compelling argument. The County's attorney indicated that he thought it was the best presentation that he had ever heard. When the arbitrator responded, his comments were that it ill behooved the County to besmirch the record of the PBA and he discounted all of those arguments and Rains & Pogrebin indicated that it was the first ad hominem attack that he had ever seen in an arbitration award. He was surprised that the arbitrator had totally discounted the information presented by both the Budget Review Office and by the County Executive's Office.

LEG. CARACCILOLO:

Legislative Counsel, it's my recollection that this Legislature I believe at least once, perhaps twice, passed Sense Resolutions calling on the State Legislature to reform or perhaps even repeal the binding arbitration law for police officers and I believe there was a vote in the State Legislature and there was only one representative at least in one House that voted against that, that was Steve Levy. And that said, it passed overwhelmingly, I believe a hundred and forty-nine to one. Having said all of that first, am I correct in my recollection that we passed some resolutions?

MR. SABATINO:

Only one time, in the year 2000, that was the first time. All the previous efforts had failed, the most they ever got was seven or eight votes in the late 1990's, but the one in the year 2000 passed fifteen to three, if I recall. That was the first one. That one then went to the State. The State action that was taken was --

LEG. CARACCILOLO:

Was on the extender.

MR. SABATINO:

On the extension. And in the two Houses collectively together, you're correct, only one vote was cast against it.

LEG. CARACCILOLO:

Right. So for the budget officials, Mr. Pollert, in the absence of State legislation to modify or repeal binding arbitration, it's a reality that we have to deal with the police bargaining units under the binding arbitration law, is that correct?

MR. POLLERT:

Yes.

LEG. CARACCILOLO:

Thank you.

LEG. FIELDS:

May I ask a question?

CHAIRMAN GULDI:

Legislator Fields?

LEG. FIELDS:

What is the purpose of extending this from two years to four years?

MR. POLLERT:

I would defer to the sponsor on the resolution, I really don't know because we were not involved in the process.

LEG. FIELDS:

Does anyone here know?

CHAIRMAN GULDI:

Do you want to -- four year arbitration gives, creates a long term contract and predictability. Frankly, my understanding is the unions are supportive of it, though I'm somewhat surprised, because if you do a four year arbitration in the middle of an economic down cycle and the economy heats up, it's, actually what you've done is you've locked yourself into a four year contract that is going to be based on the economic currents prevailing at the time of its negotiation and not during its term.

If they want to do it, frankly, it's certainly I believe given that we are in an economic down cycle that will reverse during the next four years almost to a certainty, I think it's in our interest and that's why I'm supporting it. Why the sponsors put it in, I don't know, I haven't had conversations on that subject.

LEG. BISHOP:

Am I next?

CHAIRMAN GULDI:

Yes.

LEG. BISHOP:

I completely agree. That was my analysis in contemplating this, that we've always gotten hurt from a fiscal standpoint on the ability to pay issue while our ability to pay has never been lower than it is right now. So if the system is ever going to work for the County as opposed to the union, it would be right now. Now that's not to say that I believe in the system, I don't, but given that we're stuck with the system, this is probably the best time to roll the dice on a long term deal.

LEG. FIELDS:

What happens in two years? How does this change in two years?

LEG. BISHOP:

In two years, theoretically and most likely, we will be -- with interest rates lower, the economy will be picking up, our revenues will be better and the police would have an opportunity to get even more at the bargaining table.

LEG. FIELDS:

How can they get more than a hundred and ten thousand dollars a year for --

LEG. BISHOP:

How did they get to a hundred and ten thousand, they got shrewd people like Caracciolo when he was a union official.

LEG. HALEY:

That's Mr. Caracciolo to you.

LEG. CARACCILOLO:

It's Legislator Caracciolo to both of you.

LEG. BISHOP:

Yes, sir. They get it through a system that -- I mean we can go through the rhetoric, but basically the system is a merry-go-round that compares suburban counties, and one jumps up, the next one follows and the next one follows after that.

LEG. HALEY:

They call it leapfrog.

LEG. BISHOP:

The leapfrog effect. And that's been going on for probably two decades. And the system is broken. And we passed a Sense Resolution overwhelmingly, just as overwhelmingly as it was rejected in Albany, it was overwhelmingly adopted in this Legislative body saying end the system.

LEG. FIELDS:

If the system is broken, why don't we attempt to repair it? I would make a motion --

LEG. BISHOP:

We have.

LEG. FIELDS:

I would make a motion to table?

LEG. BISHOP:

Tabling this would not --

LEG. FIELDS:

Because I don't agree that we should give a four year, the ability for a four year, for an extra two years, I don't see the purpose of that at all. Not at all.

LEG. BISHOP:

The best solution would be a negotiated contract, that would be the best solution.

LEG. FIELDS:

We already tried that.

LEG. BISHOP:

Right. These two sides have failed. A cynic might say that they fail intentionally to insulate themselves from accountability. Whether it's intentional or not, we play within the system. Under the rules of the system, this is our best chance to get a good deal. It doesn't mean that we're going to get a good deal, it's just our best chance.

LEG. FIELDS:

Weren't we told that the last time, though, and the deal --

LEG. BISHOP:

The last time we were told it was going to be different because Budget Review was going to go to the meeting and they were going to argue against the County Executive and present a fiscal picture that was accurate, which they did, and it was summarily ignored.

LEG. FIELDS:

Okay. So then I would still make a motion to table.

CHAIRMAN GULDI:

Motion to table. Do I have a second?

LEG. FIELDS:

Not that my colleagues try to fix what's broken.

LEG. BISHOP:

We have.

CHAIRMAN GULDI:

Legislator Caracciolo, did you want to be recognized?

LEG. CARACCILOLO:

Yes. Mr. Chairman, in response to Legislator Fields' concerns. I think it has been stated already, first, that this Legislative body has a long history of attempting to rectify what it feels is a State law that has been abused by arbitrators and that action began when this Legislative body outlawed a certain arbitrator, Mr. {Scheiman}, from being a County representative. That law was challenged and this Legislative body was upheld. Mr. {Scheiman} can no longer be a arbitrator in police arbitrations in Suffolk County.

Further, the County Legislature then finally as Counsel noted in 2000 approved your resolution requesting the State Legislature not to extend the binding arbitration law. That unfortunately failed in the State Legislature, as I said, by a vote of a hundred and forty-nine to one.

We don't have powers greater than the State Legislature. We can and we have attempted in most recent arbitration to have what we thought might make a difference in terms of the consideration given an arbitration award given by an arbitrator by having our Budget Review Office go in and make a formal presentation on the County's ability to pay and its affordability to

pay arbitration awards. That apparently didn't carry very much weight with at least the last arbitrator.

At the end of the day, whether we like it or not, if one or the other party is at a stalemate in terms of a negotiated settlement, either party can proceed to mediation and ultimately arbitration. It's a process, as Legislator Bishop pointed out, that is played every two, three, four years. And it's no different in this County then it is in any other County, in any other village or town that has a police agency.

Now, the State Police have binding arbitration and New York City Police, which for years did not have binding arbitration, have arbitration. So there's a clear-cut intent on the part of State law makers, Mrs. Fields, to provide binding arbitration as the ultimate resolution towards a dispute dealing with sworn public safety officers. That's the reality.

Now, Fred, do you think you held back in any way, manner, shape or form in your presentation to the last arbitrator? Who was the arbitrator in that?

MR. POLLERT:

I don't recall offhand. Snow or Frost or something like that, I really know it's one of those.

CHAIRMAN GULDI:

Frosty the Snowman.

MR. SABATINO:

The ice man.

LEG. BISHOP:

And he was cold to you presentation.

MR. POLLERT:

The presentation was as complete as both the County Executive's Office and the Budget Review Office could make the presentation. It was in the estimate of Rains & Pogrebin the best presentation they had ever seen.

LEG. CARACCILOLO:

Who is that, Rains & Pogrebin?

MR. POLLERT:

The County's Counsel for labor matters.

LEG. CARACCILOLO:

In other words, there's a perception that sometimes municipalities go into these binding arbitrations with not a serious attempt --

MR. POLLERT:

That's correct.

LEG. CARACCIOLO:

To portray their --

MR. POLLERT:

Or not a complete presentation necessarily before the arbitrator. That was not the case in this situation. It was a very detailed, extensive presentation that we had made, we provided additional follow-up data. And the arbitrator felt that irrespective of the local cap laws, that that was not an impediment of the County to raise funds, it was merely a reflection of an unwillingness to raise funds.

So when he looked at the ability to pay, it was not restricted by the cap laws because even though it creates zero some gain to the extent that the PBA receives more than four percent, there's less for the other unions because we have to live within the tax cap and expenditure cap. He was not swayed by that argument.

LEG. CARACCIOLO:

Okay. Thank you.

CHAIRMAN GULDI:

Legislator Haley.

LEG. HALEY:

Legislator Caracciolo, that's Legislator Fields, not Mrs. Fields.

LEG. CARACCIOLO:

Very good.

LEG. HALEY:

What's the status of the PBA contract now?

CHAIRMAN GULDI:

In what regard?

LEG. CARACCIOLO:

When does it expire?

LEG. HALEY:

When does it expire?

CHAIRMAN GULDI:

Six months.

MR. POLLERT:

It expires on December 31st.

LEG. HALEY:

It seems to me under the argument that we want to take advantage of the economic times based on binding arbitration, I would hope that we can get that out relatively rapidly, because I predict that in about fourteen months the DOW will be over ten thousand. So I suggest that if you're going to get the binding arbitration, you do so as quickly as possible.

CHAIRMAN GULDI:

Marty Haley speaks, shore to market.

LEG. HALEY:

Why did you put that face on, Fred?

CHAIRMAN GULDI:

Having debated this somewhat extensively, I think that it's clear that we're not talking about whether or not arbitration is good or bad, we're not talking about whether or not negotiated contracts are superior, we're talking about whether or not to authorize a four year versus a two year arbitration in the event that the County Executive and the PBA agree to do so. On that basis, then that being the sole question before us, I'll make a motion to approve.

LEG. CARACCIOLO:

Second.

CHAIRMAN GULDI:

Second by Legislator Caracciolo.

LEG. BISHOP:

I just have a question.

CHAIRMAN GULDI:

Anybody want to further belabor this discussion?

LEG. BISHOP:

Is there a co-sponsor on this?

CHAIRMAN GULDI:

There is a co-sponsor.

LEG. BISHOP:

So it's eligible then.

CHAIRMAN GULDI:

It's live.

MR. SABATINO:

It doesn't matter if there was a co-sponsor, it would be eligible because it was filed before the individual resigned and it was laid on the table. So if there is a co-sponsor, I'm not aware of it, but whether there is or not, I don't think it's a concern.

CHAIRMAN GULDI:

There is. That ending the discussion, all those in favor? Opposed?

LEG. FIELDS:

Opposed.

CHAIRMAN GULDI:

Approved, four-one.

(VOTE: 4-1-0-2) (OPPOSED: FIELDS)(ABSENT: CRECCA, FISHER) APPROVED

1419. Authorizing certain technical corrections to Adopted Resolution No. 1240-2002.

CHAIRMAN GULDI:

1419.

MR. SABATINO:

This bill really has a whole series -- it was a Sewer District bill, it had a whole series of errors in it ranging from the SEQRA clause to the escrow account transfers to an omitted sum of six hundred thousand. It was really just a lot of technical errors.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by myself.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Second by Legislator Haley. Discussion? All those in favor? Opposed? Approved and on the consent calendar.

(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER) APPROVED CONSENT CALENDAR

1421. Approving the Payment to General Code Publishers for Administrative Code ages. (Presiding Officer)

CHAIRMAN GULDI:

1421. Motion to approve and place on the consent calendar by myself. Second by?

LEG. HALEY:

Me.

CHAIRMAN GULDI:

Legislator Haley. All those in favor? Opposed? 1421 is on the consent calendar.

(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER) APPROVED CONSENT CALENDAR

1422. Adopting Local Law No -2003, a Charter Law to Reform Charter Revision Commission for good government purposes. (Fisher)

CHAIRMAN GULDI:

1422.

MR. SABATINO:

Public hearing, Mr. Chairman.

CHAIRMAN GULDI:

Motion to table for public hearing by myself, second by Legislator Bishop. Discussion? All those in favor? Opposed? Tabled.

(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER) TABLED

1423. Adopting Local Law No -2003, a Charter Law authorizing partial County funding of voluntary public financing for County elections through County contract processing fee. (Fisher)

CHAIRMAN GULDI:

1423. Same motion, same reason, same second, same vote.

(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER) TABLED

1424. Adopting Local Law No -2003, a Local Law to streamline County government by repealing costly laws, archaic statutes, superfluous boards and duplicative commissions. (Postal)

MR. SABATINO:

Public Hearing, Mr. Chairman.

CHAIRMAN GULDI:

1424. Motion to table for public hearing.

LEG. HALEY:

Second. **(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER) TABLED**

1425. To ensure League of Women Voters representation on Reapportionment Commission. (Fisher)

CHAIRMAN GULDI:

1425. Isn't this a little untimely, Counsel? What's the essence of this?

MR. SABATINO:

It would be for any future action to have a League of Women Voters representation on any commissions or --

LEG. HALEY:

Motion to table. On the motion.

CHAIRMAN GULDI:

Motion to table by Legislator Haley. On the motion to table? Is there a second on tabling?

LEG. CARACCIOLO:

I'll second.

CHAIRMAN GULDI:

Second on tabling by Legislator Caracciolo.

LEG. HALEY:

What is the intent of the Reapportionment Commission? I mean I don't understand this, you know, the League of Women Voters in years past as I have known them tend to be very non-partisan, never took positions, tend to educate and now that they, in fact, changed and now they do take positions, it votes in memberships and provide advocacy for the same.

It seems to me putting the League of Women Voters on the Reapportionment Commission, that the logic behind that would be the same logic by putting many other organizations on the Reapportionment Commission. I don't see why this particular organization should have a legal up on anyone else.

CHAIRMAN GULDI:

Okay. Further discussion? There's no second on the tabling motion?

LEG. CARACCIOLO:

I did, I seconded it.

CHAIRMAN GULDI:

On the tabling, all those in favor of tabling? Opposed?

LEG. FIELDS:

Opposed.

CHAIRMAN GULDI:

I'll oppose tabling. It's tabled, three-two.

(VOTE: 3-2-0-2) (OPPOSED: GULDI, FIELDS) (ABSENT: CRECCA, FISHER) TABLED

1428. Appropriating funds in connection with the Civil Court renovation and addition, Riverhead (CP 1130). (County Executive)

CHAIRMAN GULDI:

1428. I see Mr. Godek from DPW is here on this resolution. Is someone with you or is he just your driver?

LEG. HALEY:

You better hope he's not one of your voting constituents.

CHAIRMAN GULDI:

I only said that because I promised not to pick on him.

MR. GODEK:

Ted Godek. I'm County Architect, Department of Public Works. And with me is Keith Larsen, the project Architect, also with Public Works.

This resolution is submitted to appropriate 34.65 million dollars worth of construction funds and equipment funds for the construction of the addition and the renovation to the Supreme Court on Griffing Avenue in Riverhead.

CHAIRMAN GULDI:

That's one of the reasons I'm questioning the title, because it's, the project title is Civil Court, to distinguish it from the Criminal Court, but it's actually the Criminal Court and not the Civil Part of the County Court that sits in the other courthouse in Riverhead, is that correct? There's a Courthouse behind County Center has both, has County Court Judges who have civil parts on them.

LEG. CARACCILO:

Griffing Avenue.

MR. GODEK:

It is Griffing Avenue, yes. It is the Court complex at Griffing Avenue.

CHAIRMAN GULDI:

Okay. But it is --

LEG. CARACCIOLO:

Not the Criminal Court.

CHAIRMAN GULDI:

All right. Other than that, it's clear they're talking about Griffing Avenue, notwithstanding the project title and its ambiguity.

LEG. HALEY:

On the motion.

CHAIRMAN GULDI:

On the motion, Legislator Haley.

LEG. HALEY:

We have a number of things going on. They're trying to revitalize Downtown Riverhead, they're trying to do this renovation here on Griffing Avenue. I understand we're doing renovations over at the County Center as well under probably a different program, is that correct?

MR. GODEK:

That's correct, yes.

LEG. HALEY:

And over there we're also putting in over by that Court over in the County Center we're going to try to do some paving for more additional parking?

MR. GODEK:

That has been an ongoing proposal. We've had some DEC problems with that, but yes, we'd like to do that.

LEG. HALEY:

All right. Because I have a recollection then on the Capital Budget amendment, I'm assuming it was filed, to try to provide some more parking at the County Center, but I'm concerned about parking at the Griffing area too. I understand that's been a problem for awhile. And actually, when we finish this renovation, we'll wind up with less parking in that area?

MR. GODEK:

We will on-site end up with less parking in that area, yes, on our own property. However, the Town of Riverhead has committed to providing somewhere in the vicinity of six hundred spaces.

LEG. HALEY:

That's the parking garage?

LEG. CARACCIOLO:

No, it's not a parking garage. Right now it's on-street. They have condemned a complete block behind this court complex along Railroad Avenue and I'm told as recently as a conversation with Charlie Bartha a couple of weeks ago that that is on schedule. I understand this project will commence probably by year end?

MR. GODEK:

We intend to break ground somewhere in November, yes.

LEG. CARACCIOLO:

Right. And that the parking will be available when the construction is complete, which I think is an eighteen month, twenty-four month project.

MR. GODEK:

Actually we're probably looking more at thirty-six. We anticipate some time ending in '06.

LEG. CARACCIOLO:

Okay.

LEG. HALEY:

Thank you.

LEG. CARACCIOLO:

The one question I have, Mr. Chairman, is on the bond indebtedness schedule, the debt service schedule. I don't know when this was prepared because I don't see a date on here, but it appears it's out of date because it's showing an average interest factor of 4.77 percent and I'm told --

MR. KNAPPE:

We use a conservative estimate as far as the percentages go, it probably will be lower on that when they do go to bond sale.

LEG. CARACCIOLO:

Okay. It's my understanding from the last Committee meeting that this issue just came up just a week ago that right now -- what kind of rates, bond rates are we experiencing, Lance? I know it was down under two percent.

MR. REINHEIMER:

Well, on the long term the rate that we had that's in our bonding forecast is based on the April bonding that we had. And over the long term, twenty years, it does, it did come in around four

percent.

LEG. CARACCIOLO:

Okay.

MR. REINHEIMER:

It's two percent in the earlier years and it's higher in the later years because it is indexed and the average was just around four percent. And that was based on the April borrowing. So that's as best information as we have at this point.

LEG. CARACCIOLO:

Ted, one of the issues that Legislators get cranky about is the we have approved over the years many Capital Projects by appropriating the monies such as what you've requested today and then that authorization just sits out there until some appropriate time that the money is tapped into. That's a concern, that's not the case here, this is planning and design money of a hundred and thirty thousand, hundred and fifty thousand?

MR. GODEK:

That is equipment funding.

LEG. CARACCIOLO:

That's funding.

MR. GODEK:

The planning funds have been appropriating and planning has been in process now for the past two years.

LEG. CARACCIOLO:

So this is for actual construction?

MR. GODEK:

We are ready to go with this, yes.

LEG. CARACCIOLO:

Okay. Thank you. Motion to approve.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Motion to approve by Legislator Caracciolo, second by myself. Further discussion? All those in favor? Opposed? Approved five-zero. I don't think we can sneak it by on the consent calendar, it needs the bond money. **(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER) APPROVED**

LEG. CARACCIOLO:

Mr. Chairman, I would be remiss if I didn't take this opportunity to thank my colleague, Legislator Dave Bishop, for his leadership on seeing to it that the additional COURT spaces both at the County Center in Riverhead as well as the Court complex in Central Islip were met and met in a timely fashion. So I want to thank you, David.

LEG. BISHOP:

You're welcome. What are you up to?

CHAIRMAN GULDI:

Did you get that on the record?

1429. Amending the 2003 Capital Budget and Program and appropriating funds in connection with litigation related to the Forensic Sciences Medical and Legal Laboratory (CP 1109). (County Executive)

CHAIRMAN GULDI:

1429. Do we have anyone here to address us on this resolution?

MR. KNAPPE:

This is the last phase of litigation that the County is seeking with I believe the construction of the building. There was a resolution that was passed in 2000 which appropriated a hundred thousand dollars for litigation. We have already received about seven hundred thousand dollars back in that litigation process and this resolution goes forward for an additional fifty thousand dollars to, basically to the final stage in that litigation and represent the County on its behalf for this purpose.

CHAIRMAN GULDI:

Let me go with related questions first. Who is Counsel, who is reviewing the bills, is this prospective future expenses, is this already incurred, can you tell me a little bit about this? What's the status of the litigation, how far from trial are we?

MR. KNAPPE:

Basically the County has litigated and settled all but one lawsuit as it pertains to this. There is one more left.

CHAIRMAN GULDI:

That says that in the resolution. My question is who is Counsel, who's auditing the bills, what's the status of the bills and what's the status of that lawsuit?

MR. KNAPPE:

I'll defer if Public Works has any additional input on that?

MR. GODEK:

I'll see if I can fill in some of the missing blanks here. First question?

CHAIRMAN GULDI:

The question, who is Counsel?

MR. GODEK:

Sinnreich and Safar.

CHAIRMAN GULDI:

Sinnreich. All right. And what's the remaining litigation? It says with Aetna and --

MR. GODEK:

It's with the surety of the --

CHAIRMAN GULDI:

Aetna as the surety of the contractor.

MR. GODEK:

Of the contractor. The contractor is out of business, we're dealing with the surety. And as I understand it, they're currently in mediation.

CHAIRMAN GULDI:

They're in mediation. Okay. Does this additional fifty thousand dollars represent fees already incurred and billed or does it represent prospective future fees for continuing that mediation?

MR. GODEK:

I believe they represent future fees for continuing that mediation.

CHAIRMAN GULDI:

And who is overseeing, who is supervising counsel?

MR. GODEK:

The bills run through Public Works.

CHAIRMAN GULDI:

And who in Public Works reviews the attorney bills?

MR. GODEK:

That has been Mr. Laguardia up to this point.

CHAIRMAN GULDI:

Mr. Laguardia. What is Mr. Laguardia's background and training qualifies him to review bills from counsel?

MR. GODEK:

I don't know. But he has been, he has been involved with the suit ongoing for a number of years.

CHAIRMAN GULDI:

Counsel, with respect to outside counsel for litigation engaged by the Legislature, who reviews the bills of outside counsel and supervises the counsel?

MR. SABATINO:

For us, Budget Review does the arithmetic and I look at the substance.

CHAIRMAN GULDI:

For outside counsel for the County Executive's litigation, who reviews the bills and supervises outside counsel generally for general litigation matters?

MR. SABATINO:

Well, I thought, prior to these comments, I thought it was the Law Department in conjunction with the Budget Office, but apparently they have a different process.

CHAIRMAN GULDI:

Ted, I'm going to make a motion -- I'm going to make a motion to table this one cycle so you can get more information, check --

MR. GODEK:

I may not be totally accurate.

CHAIRMAN GULDI:

Check your responses and get back to me. I'd like whoever is reviewing and overseeing counsel to be present for the next meeting to give us an update, accurate statement of the litigation, tell us what the procedures are. Okay?

MR. GODEK:

Fine.

CHAIRMAN GULDI:

Motion to table by myself.

LEG. CARACCIOLO:

Second.

CHAIRMAN GULDI:

Did you still want to be recognized, Legislator Caracciolo?

LEG. CARACCIOLO:

No. I'll speak to Counsel on this issue.

(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER) TABLED

CHAIRMAN GULDI:

Okay. 1440. We already tabled the resolution earlier in the meeting.

1441. Amending the 2003 Operating Budget and appropriating funds in connection with bonding settlements for Medical Malpractice Cases. (County Executive)

CHAIRMAN GULDI:

1441. Is anyone here on this resolution?

MR. KNAPPE:

This is the financing mechanism of an agreement or an approval that was made by the Ways & Means Committee I believe in executive session back a while ago.

CHAIRMAN GULDI:

I see this is funding for already approved and reviewed settlement agreements?

MR. KNAPPE:

That would be correct.

CHAIRMAN GULDI:

I think unfortunately I recall the case. Motion to approve by myself. Do I have a second?

LEG. FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. Discussion? All those in favor? Opposed? 1441 is approved.

(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER) APPROVED

1459. To readjust, compromise and grant refunds and charge-backs on real property corrections of errors by: County Legislature Control 704-2003. (County Executive)

CHAIRMAN GULDI:

1459.

LEG. HALEY:

Motion to place on the consent calendar.

CHAIRMAN GULDI:

1449 is a motion to approve and place on the consent calendar.

LEG. FIELDS:

1459.

CHAIRMAN GULDI:

1459. Motion by Legislator Haley, second by myself. Discussion? All those in favor? Opposed? Approved and placed on the consent calendar.

(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER) APPROVED CONSENT CALENDAR

1469. Authorizing use of Smith Point County Park property by Mastic Beach Fire Department, Inc., for Fourth of July fund drive. (Towle)

CHAIRMAN GULDI:

1469.

LEG. CARACCIOLO:

Table.

CHAIRMAN GULDI:

Motion to table by Legislator Caracciolo. Counsel, is this not an annual event in substance and form to what's been approved by, for use of County parks by other organizations?

MR. SABATINO:

This one has become a recent annual event. I think this is the third or the second, probably the third consecutive one. It's a recruiting drive initiative using the toll booth at the park.

LEG. CARACCIOLO:

Legislative Counsel.

LEG. FIELDS:

It's not a fund-raiser?

LEG. HALEY:

It says fund drive.

CHAIRMAN GULDI:

Fund drive.

LEG. FIELDS:

But they're only asking to pay a dollar per day.

CHAIRMAN GULDI:

For the Volunteer Fire Department, right.

LEG. BISHOP:

So for one day the Volunteer Fire Department stands at the booth and says would you also --

MR. SABATINO:

July 2nd through July 6th.

LEG. BISHOP:

Four days they stay at the booth?

LEG. CARACCIOLO:

Yes. Counsel?

CHAIRMAN GULDI:

Legislator Caracciolo.

LEG. CARACCIOLO:

Do you or any member of the Legislature have knowledge as to the scope of the District Attorney's investigation to the sponsor of this resolution and the organizations that he may or may not -- he may have sponsored legislation for? Are they the scope of a District Attorney investigation?

MR. SABATINO:

Well, I'm not intimately knowledgeable with regard to the scope of the investigation because it is a secret proceeding, it's a Grand Jury proceeding. The newspaper accounts seem to indicate that it's a relatively broad inquiry, but I have no personal knowledge to confirm or deny that.

LEG. CARACCIOLO:

Thank you.

LEG. FIELDS:

I would make a motion to table unless we -- let me just finish, unless we had the Mastic Beach Fire Department come here, explain to us exactly what they're doing on those four days and maybe have someone look in the past and see what other fire departments pay for use of County property for their fund drive.

LEG. HALEY:

On the motion.

CHAIRMAN GULDI:

Legislator Haley.

LEG. HALEY:

I'm curious specifically what they do, but in deference to them if they've gotten approvals to do it in the past, can we discharge it without recommendation with the expectation that someone from the Fire Department will arrive at our next general meeting?

CHAIRMAN GULDI:

Legislator Bishop.

LEG. BISHOP:

I have no problem with that, but I think it's obvious what they do, they stay at the booth and they solicit.

LEG. HALEY:

For monies?

LEG. BISHOP:

Yeah. Which I think is, I don't think it's an appropriate --

LEG. HALEY:

Actually, I would resent it if I went to a County park as a taxpayer and would have to put up with a Fire Department that doesn't represent me.

LEG. BISHOP:

That's exactly what I was thinking, so, you know --

LEG. CARACCIOLO:

Motion to table.

LEG. BISHOP:

It's your call.

CHAIRMAN GULDI:

I have a motion to table.

LEG. FIELDS:

I made the motion to table.

CHAIRMAN GULDI:

He made a motion to table before. You want to second?

LEG. FIELDS:

I'll second the motion.

CHAIRMAN GULDI:

Second to his motion. All right. On the motion to table, all those in favor? Tabling effectively kills this resolution because of the timing and scheduled event.

MR. SABATINO:

You still have time. This is July 2nd to the 6th, we're going to be meeting one more time in June,

I mean twice in June, one more time after this. So you do have enough time if you want to get more information.

CHAIRMAN GULDI:

All those in favor of tabling? I'm opposed. Tabled, four-one.

(VOTE: 4-1-0-2) (OPPOSED: GULDI) (ABSENT: CRECCA, FISHER) TABLED

CHAIRMAN GULDI:

We already did 1470.

1471. Authorizing use of Smith Point County Park property in 2003 by Bay Area Civic Association and William Floyd Summit for a 5 km race. (Towle)

CHAIRMAN GULDI:

1471.

LEG. CARACCIOLO:

Motion to table.

LEG. FIELDS:

I'll second the motion.

CHAIRMAN GULDI:

Motion to table by Legislator Caracciolo, second by Legislator Fields. Further discussion? All those in favor? I'm opposed.

LEG. HALEY:

Opposed.

CHAIRMAN GULDI:

Tabled, three-two.

(VOTE: 3-2-0-2) (OPPOSED: GULDI, HALEY) (ABSENT: CRECCA, FISHER) TABLED

1474. Transferring funds for year 2002 in accordance with policy established for use of fees collected from Title Examiners utilizing County facilities. (Presiding Officer)

CHAIRMAN GULDI:

1474. Introduced by the Presiding Officer. Explanation, Counsel.

MR. SABATINO:

This is the annual appropriation of monies based on a law that was adopted several years ago that states that the Title Examiner money that is collected by the County Clerk's Office then has to be appropriated in a subsequent year in an equivalent amount.

There was a resolution earlier this year which appropriated the first amount of thirty-five

thousand dollars. This is the second component, which would be a hundred and seventy-four thousand a hundred and fifty seven dollars and two cents for the purchase of additional computer printers, carpeting and some repair work on some deed record books where the Title Searchers currently do their work.

CHAIRMAN GULDI:

Any motions on this? Is anyone making a motion with respect to this?

LEG. CARACCIOLO:

I'm sorry, Mr. Chairman, as I was catching the flag that was falling at your request, Counsel gave an explanation that I did not hear in its entirety.

CHAIRMAN GULDI:

Succinctly summarize, Counsel.

MR. SABATINO:

Based on the 1997 law that we adopted that states title examination monies that come in have to be matched by an equivalent appropriation a year later in the County Clerk's Office, earlier this year we adopted thirty-five thousand dollars of those revenues, this is the balance of a hundred and seventy-four thousand. It's for carpeting, computers and some repair work where the Title Examiners work.

LEG. CARACCIOLO:

You don't have any reservations about it?

MR. SABATINO:

This is consistent with a law that we adopted several years ago.

CHAIRMAN GULDI:

I'll make a motion to approve. Second by?

LEG. BISHOP:

I'll second.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Second by, I think Legislator Bishop was first. All those in favor? Opposed? 1774 is approved.

LEG. HALEY:

1474 is approved.

CHAIRMAN GULDI:

What did I say?

LEG. HALEY:

You said 1774. **(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER) APPROVED**

TABLED SENSE RESOLUTIONS

SENSE 34-2003. Memorializing resolution requesting State of New York to authorize a public health and human services safety transfer tax for Suffolk County. (P.O. Postal)

CHAIRMAN GULDI:

Tabled Sense Resolutions. Sense 34.

LEG. HALEY:

Motion to table.

CHAIRMAN GULDI:

The Presiding Officer has asked it be tabled. Motion to table by Legislator Haley, second by myself. All those in favor? Opposed? Tabled. **(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER)**
TABLED

SENSE RESOLUTIONS

38-2003. Memorializing resolution requesting State of New York to create Suffolk County Government Facilities Agency (GFA). (Guldi)

CHAIRMAN GULDI:

Sense 38. I'm the sponsor. This resolution actually, I asked Counsel to file a corrected copy, which amended it in one respect that will make it live and eligible for a vote on Tuesday. The correction they have is instead of in the limitations opposed on the exercise, any housing powers by the agency instead of only going back ten years for any project done in any community by town, by government or private agency, the corrected copy now requires it to go back twenty-five years and credit anything done in that longer period.

Frankly, I didn't go further than twenty-five years because at that point you're beginning to effectively approach the useful life of residential housing anyway.

Are there any questions on the resolution? Anyone want to discuss it? I mean I've made a lot of presentation, but I'm not sure that all of my colleagues are familiar.

LEG. HALEY:

Keep going.

CHAIRMAN GULDI:

Okay. The essence of the agency --

LEG. HALEY:

No, no. Nobody has anything, nobody has asked anything.

LEG. FIELDS:

Just make the motion.

CHAIRMAN GULDI:

I'll make a motion to approve. Do I have a second?

LEG. BISHOP:

Second.

CHAIRMAN GULDI:

Second by Legislator Bishop. Any questions? Discussion? All those in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN GULDI:

Abstentions?

CHAIRMAN GULDI:

Approved four-one. **(VOTE: 4-1-0-2) (OPPOSED: CARACCIOLO) (ABSENT: CRECCA, FISHER) APPROVED**

41-2003. Memorializing resolution requesting New York State Legislature to authorize Suffolk County to extend one-percent sales and compensating use tax. (P.O. Postal)

CHAIRMAN GULDI:

Mr. Johnson handed me a note, he'd like to address us on Sense 41. I have a request by the Presiding Officer to table that. Mr. Johnson, do you want to speak on it anyway?

MR. JOHNSON:

Yes. I just wanted the Committee to be aware that I'm not sure if the reason that Legislator Postal is asking for the resolution to be tabled is because the Legislature has filed legislation authorizing us or allowing us to get the sales tax extender at least through November of 2003, so in light of that recent legislation being introduced by the State Legislature, I believe both in the Assembly and in the Senate, we're probably going to move forward as quickly as possible in trying to get a Home Rule Message passed before the Legislature goes out of session at the end

of this month.

So if we can get something finalized and drafted prior to the June 10th meeting, we'll file it and lay it on the table most probably as a CN on June 10th. And I wanted the Committee to be aware of that.

All right. There's also another legislation concerning the recent passage in the State Legislature and approval for the budget process of the sales tax exception on clothing, and we are also working on a draft of legislation. As you know, as of June 1st the sales tax has been increased by the State Legislature, they do give us a local option of either opting into a two week holiday or not opting into a two week holiday. I believe our inclination is to opt into the two week holiday and try to give some relief to our constituents over the course of the period that the, the sales tax exemption is in place or the sales tax is in place.

LEG. CARACCILO:

Mr. Chairman?

CHAIRMAN GULDI:

Yes, Legislator Caracciolo.

LEG. CARACCILO:

Yes. This is something that I have attempted to follow very closely and there have been conflicting reports out of Albany as to what and how that goal can be accomplished. It was last represented to me and Legislative Counsel has written at my request several letters to the New York State Department of Finance and Taxation to ascertain exactly what the State legislation provided. What you've indicated just now runs contrary to what we formerly have been told, that we have to adopt a local option, that it was embodied in the new legislation, or maybe you didn't get confirmation on that.

MR. SABATINO:

There are two issues. The one issue was who got the money when the State of New York repealed the local exemption. I've asked the State Department of Taxation and Finance at least three times, they said they didn't know. In fact, the most recent request went out yesterday. But it would appear based on some contact with merchants who were calling into our office on Friday afternoon, it would appear that the State is grabbing the money, because the forms that they're being asked to fill out and send to New York talks about remitting all of it to the State of New York.

So it sounds like even though it was our sales tax -- it sounds that way, it sounds that way, but begin I haven't gotten confirmation from the people that are administering the tax act. So even if we had reinstated the sales tax on clothing, we never would have gotten the money, which is

one of the ironies in the whole process if this appears to be the case.

The second issue was there are two options apparently to try to participate in a one week before Labor Day and one week during Martin Luther King's Birthday for the local option on the exemption, but again you have to use the State format. At your request, I've requested that they give us the format. I spoke to one of the representatives in person and they don't have it, and I wrote another letter again yesterday. So we've been trying and we've been unsuccessful so far.

LEG. CARACCIOLO:

Well, Todd, let me just say that it would appear that there would probably be support in the Legislature, hopefully majority support, for the two sales tax holidays if, in fact, that's one of the provisions in the new sales tax increase.

MR. JOHNSON:

Well, like Legislative Counsel, I'm also waiting for the final model to come down from the State as to what language they would suggest would be necessary for us to opt into it the way that we want to opt into it given the --

MR. SABATINO:

The problem with the State, just so you know, it's crazy, it's totally insane, but on all sales tax resolutions, whether you want to increase, decrease, modify, exempt or whatever, they will not accept normal municipal language. We've had this fight for years now. You have to take their model word for word. It's very frustrating, because they -- I could do it in five minutes, but in this case I've been writing since, I actually started writing in February.

LEG. CARACCIOLO:

Okay.

MR. JOHNSON:

Okay.

CHAIRMAN GULDI:

Should we do, Counsel, given that it seems the State is going to glom both their share and what was formerly the County's share of the sales tax in clothing, should we do a Sense Resolution asking the Legislature to correct, remedy, modify or otherwise undo that in the event that the Tax Department actually interprets it and attempts to grab both halves of the sales tax?

I think that all of my colleagues and the County Executive would probably join me on such a resolution, but let's put it on the table as soon as it's feasible to do so. Okay?

MR. JOHNSON:

Okay.

CHAIRMAN GULDI:

Thank you. Anything else, Todd?

MR. JOHNSON:

No, that's it. There may be some other CN's, but I'll let you know about those.

CHAIRMAN GULDI:

Okay. On 41, motion to table by myself. Second by?

LEG. FIELDS:

I'll second it.

CHAIRMAN GULDI:

That's Legislator Fields. Discussion? All those in favor? Opposed? Tabled.

(VOTE: 5-0-0-2) (ABSENT: CRECCA, FISHER) TABLED

42-2003. Memorializing resolution requesting State of New York to expand Suffolk County Judicial Facilities Agency. (Nowick & P.O. Postal)

CHAIRMAN GULDI:

Counsel, on Sense 42, has a corrected copy been filed on that?

MR. SABATINO:

Yes, there was a corrected copy filed.

CHAIRMAN GULDI:

Could you give us the essence of the corrections, because I expressed some concerns on this to the sponsor.

MR. SABATINO:

The corrected copy basically reworded the second whereas clause to clarify the role of the JFA, just to show that it would be capable if it was given the authority requested under this legislation to help Suffolk County construct and finance not just courts, but County office buildings, not just the Kings Park Psychiatric Center, but County buildings in general. So it's -- it would be in comparison to the GFA bill, a narrower, it would only be one component of what's in the GFA bill.

CHAIRMAN GULDI:

With respect to the bill, I have to observe, I did share this with the sponsor and it was not addressed by the corrected copy. Unfortunately this bill, while it takes the same savings mechanism of using an agency and its taxes and power to operate and construct facilities for Suffolk County and gives it the ability to capture the revenue from at market rentals and the reimbursement rates of that, it creates absolutely no mechanism and it makes it, in fact,

impossible to pass any of that savings back to Suffolk County in any shape, manner or form or substance, and it doesn't permit the agency, the JFA to expand it to other operations.

So, frankly I can't, I can't support it without some mechanism for, for moving the savings to other governmental operations. If the agency, if the agency simply operated by reducing the cost of County acquisition, that cost would reduce the reimbursement rates dollar for dollar and generate a zero -- generate no savings whatsoever, of any description for Suffolk County taxpayers because it would be a dollar for dollar reduction of reimbursable operations.

LEG. HALEY:

May I?

CHAIRMAN GULDI:

Legislator Haley.

LEG. HALEY:

When we created the JFA, one of the thing we wanted to do was get as close as possible to control of the JFA while still meeting the criteria necessary so they can maintain it separate, maintain itself as a separate agency for the purpose of bonding and the purposes of the IRS, Federal Government. So the problem that you might have to worry about -- the way the JFA exists right now, believe it or not twenty-five to thirty years from now they're going to be sitting on probably a load of cash.

But I think the reason we didn't put in a mechanism and return that to the County is then they don't become that or maintain that separateness that's required by the law. And I think before we add language to such, they should check with bond Counsel. But I do agree that the primary reason for expanding JFA, the original reason was we saved, we probably saved taxpayers to the tune of about three million dollars a year when we originally created the JFA. I think the reason we -- I thought of expanded the JFA, was the ability to take advantage of the reimbursement rates primarily.

CHAIRMAN GULDI:

Right.

LEG. HALEY:

Period. You know, I didn't see any, you know, any, you know, we can bond the same as they can bond and, you know, not-for-profit or government agency, we'd have the same bonding abilities per se money-wise, but the savings would be in the reimbursements. That's my only thoughts. Especially Social Services building, instead of going out and funding a private entity, we still have some little -- we still have some level of influence in that we select who the members are of the JFA, but at the same token they can stand-alone and get us better reimbursements on say a

Social Services building.

CHAIRMAN GULDI:

Right. But given this expansion without anyplace to take it is one that I think is incomplete and I can't support the bill in that form. So is there any motion on this bill? I'll make a motion to table.

LEG. FIELDS:

I'll second the motion.

CHAIRMAN GULDI:

All those in favor? Opposed? Tabled.

LEG. HALEY:

Opposed to tabling.

CHAIRMAN GULDI:

Okay. **(VOTE: 4-1-0-2) (OPPOSED: HALEY) (ABSENT: CRECCA, FISHER) TABLED**

TABLED HOME RULE MESSAGES

-

HOME RULE MESSAGE 2-2003. Home Rule Message requesting New York State to authorize the County of Suffolk to convey certain parklands to Jopal Enterprises, LLC, in exchange for conveyance of certain lands to be dedicated as parklands. (P.O. Postal)

CHAIRMAN GULDI:

Home Rule Message 2. This is relates to the land, the request for the State to give us the authority to -- Mr. Isles spoke on it at length when you weren't here Mr. Bishop, we had speakers, we had Counsel from Jopal here, we had extensive discussion of it, we discussed the issues.

This resolution, however, does not approve the transfer, it merely approves the State to authorize us to entertain and look at the details of the transfer at a future date. There are many, many questions, including appraised values, the covenants, details as to both parcels that would be resolved at that time, but I think that I'll make a motion to approve this resolution to facilitate that process. Legislator Caracciolo?

LEG. CARACCIOLO:

Mr. Chairman, I would ask that my colleagues be consistent. This, in fact, is a transfer of certain lands, in this case parkland. Mr. Isles, could you come forward, please. It is de facto alienation of parkland and then substituting another piece of property, like exchange I would assume as parkland.

This is no different than when this Legislature stood almost unanimously and opposed the transfer of farmland development rights or purchase development rights on farmland, the Talmadge property in the Hamlet of Baiting Hollow wherein this Legislative body said even though the Talmadges were going to substitute one hundred acres of agricultural land with an identical one hundred acres of ag. lands, that that was not acceptable, that was, in effect, negating what the PDR Program is all about, and I submit to you this is doing the exact same thing. Mr. Isles, would you like to comment on my comments?

LEG. FIELDS:

Can I just ask, Mike, was that the grandifolia plains or is that --

LEG. CARACCIOLO:

Yeah, the grandifolia plains that wasn't, but that's another issue. They did build a golf course, by the way. Go ahead, Tom. Let me just clarify, the one hundred acres, I'm sorry Legislator Fields, the one hundred acres that the Talmadges wanted to transfer was for a second golf course on a piece of farmland property. The endangered species, as it was referred to by environmentalists, and questionable at that time, that golf course was built anyhow over the objections of environmentalists.

But, Mr. Isles, my concern is here is alienating parkland, it's a slippery slope, it's only a one acre piece of property but it sets I think a very dangerous precedent. Do you share that concern?

MR. ISLES:

I wasn't with the County at the time of the Talmadge PDR proposal, I am somewhat familiar with it afterwards. But in terms of your point about the concern for alienation, I think that is a valid point in the sense that it does raise a red flag obviously. The County guards carefully its park holdings and I think that's why there's a process in place whereby it does go to the State Legislature obviously for a very thorough review on their part, then must come back here for our review.

As far as the Planning Department's position on this is concerned, we essentially feel that the part that was extensively disturbed by the Highway Department operations or whatever it was years ago that occurred on that, has been filled extensively, has been severely damaged and so forth, so we feel there's some logic in there for this swap environmentally providing the appraisal values are fair to the taxpayer and so forth.

As discussed earlier, we have some issue with the balance of the property in terms of whether that would be suitable or not. And obviously we can deal with that at that time if you want, but that's where we stand at this point in time.

LEG. CARACCIOLO:

Okay. The question I do have then in terms of the part that has been disturbed, is that also any parkland designation?

MR. ISLES:

Yes, it is.

LEG. CARACCIOLO:

And how did that happen?

MR. ISLES:

It was apparently purchased by the County I think through a condemnation action in the early seventies. In 1991 it was put into a parkland category. How it became what it became, I don't know, it definitely was disturbed, filled and significantly damaged at that time.

LEG. CARACCIOLO:

Prior to the designation of parkland?

MR. ISLES:

No.

LEG. CARACCIOLO:

Subsequently?

MR. ISLES:

Subsequently. When it began, I don't know, but it did exist up until the past couple of years. It has since been cleaned up.

CHAIRMAN GULDI:

You weren't here in '91.

LEG. CARACCIOLO:

I was here in '91, and as Mr. Isles correctly stated, it was not damaged at that time. It was subsequent to '91 that the property was damaged, correct?

MR. ISLES:

All I can tell you is from what I know, which is that it was damaged or there was storage and use of the property.

LEG. CARACCIOLO:

After it was designated parkland?

MR. ISLES:

Certainly after. When it began, whether it was before, I don't know, but certainly after, yes.

LEG. CARACCIOLO:

All right. That's how I feel about it, Mr. Chairman.

CHAIRMAN GULDI:

Thank you.

LEG. FIELDS:

Motion to approve.

CHAIRMAN GULDI:

Motion to approve and second. We're already on record. Motion to approve by Legislator Fields, second by myself. Discussion? Further discussion? All those in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN GULDI:

Legislator Caracciolo is opposed. Approved four-one.

(VOTE: 4-1-0-2) (OPPOSED: CARACCIOLO) (ABSENT: CRECCA, FISHER) APPROVED

LEG. FIELDS:

Motion to adjourn.

CHAIRMAN GULDI:

No motion is necessary. There being no further business, we are adjourned.

(THE MEETING WAS ADJOURNED AT 12:10 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY